

# THE CORPORATION OF THE VILLAGE OF MONTROSE

## **BYLAW #702**

### A BYLAW TO REGULATE THE MUNICIPAL WATER SERVICE AND PROMOTE WATER CONSERVATION

WHEREAS sections 8 and 12 of the *Community Charter* authorize Council to regulate municipal services, and

WHEREAS Council deems it in the best interest of the community's long-term water security to encourage water conservation,

NOW THEREFORE, the Council of the Village of Montrose, in open meeting assembled, ENACTS AS FOLLOWS:

#### **SHORT TITLE**

1. (1) This Bylaw may be cited as the "**2013 WATER CONSERVATION AND STAGING RESTRICTIONS REGULATIONS BYLAW**".

#### **DEFINITIONS**

2. (1) In this Bylaw, unless the context otherwise indicates:

"Administration" shall mean the Chief Administrative Officer, the Deputy Clerk, or an employee or representative of the Village appointed by Council to act on their behalf;

"Building" shall mean a structure that has a roof and walls and stands more or less permanently in one place, either permanent or temporary;

"Car Wash" means an enterprise or commercial use of any building or structure or portions thereof for the washing of motor vehicles on an automated or semi-automated basis;

"Council" means the Council of the Village of Montrose;

"Officer" shall mean the Village's Bylaw Enforcement Officer, the Public Works Foreman, or an employee of the Village appointed by Council or Administration to act on their behalf;

"Owner(s) and/or User(s)" means the registered owner of a property, or a tenant of a property, or an agent of either the registered owner or the tenant of a property;

"Resident" shall mean a resident of the Village of Montrose;

"Running Hose" means any type of hose or pipe capable of carrying fluid from one location to another;

"Structure" means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining structures;

"Vehicle" shall mean any motorized vehicle (regardless of its condition) either commercial, private or recreational in nature;

"Village" shall mean the Village of Montrose.

#### **REGULATIONS – WATER CONSERVATION**

3. (1) The following water uses shall be prohibited on any day between the hours of 8:00 a.m. and 6:00 p.m. during the calendar year:
  - (a) operating lawn or garden watering devices, including but not limited to automatic or manual sprinklers and soaker hoses connected to a running hose (does not include manual garden watering with watering cans).
- (2) Notwithstanding the limitations established in this section:

- (a) lawn and garden watering on all properties east of 5<sup>th</sup> Street shall be permitted on even days during the calendar year;
  - (b) lawn and garden watering on all properties west of 5<sup>th</sup> Street shall be permitted on odd days during the calendar year;
  - (c) lawn and garden watering shall be prohibited throughout the Village on the 31<sup>st</sup> of any month;
  - (d) washing any vehicle, building and/or structure with a running hose that is not affixed with a flow restriction device such as flow nozzle or spray gun (does not include washing from a water bucket) is prohibited at all times;
  - (e) Owner(s) and/or User(s) are permitted to utilize a maximum of one (1) lawn or gardening watering device, at any specific time (does not include manual garden watering with watering cans) during permitted watering periods.
- (3) Subject to all other limitations and restrictions specified in this Bylaw:
- (a) lawn and garden sprinkling with automated underground sprinklers shall be limited to the period between 12:00 a.m. and 4:00 a.m. on permitted days;
  - (b) lawn and garden sprinkling using any device other than an automated underground sprinkler shall be limited to the periods between 6:00 a.m. and 8:00 a.m. and 6:00 p.m. and 8:00 p.m. on permitted days;
  - (c) Owners and/or Users of a property equipped with automated underground sprinklers shall not be permitted to use any other lawn or garden watering device.

**REGULATIONS – STAGING RESTRICTIONS**

4. (1) At any time, Council may, by resolution, impose the following water staging restrictions in addition to the regulations set forth in this bylaw.
- (a) **Stage I** – Regulatory control among all Owners and/or Users that further reduces the water conservation regulations as follows:
    - (i) Total ban of water uses outlined in Section 3(1)(a);
    - (ii) Further restrictions to limitations provided in Section 3(3)(a,b and c) that reduces underground sprinkling time from 12:00 a.m. to 2:00 a.m. and that reduces lawn and garden sprinkling times from 6:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00;
    - (iii) Further restrictions to limitations provided in Sections 3(1), 3(3) and 7(1) at the discretion of Council.
  - (b) **Stage II** – Regulatory control among all Owners and/or Users that completely bans activities identified in Sections 3(1), 3(2)(d)(e), 3(3) and 7(1).

**REGULATIONS – GENERAL**

5. (1) No person shall install, replace, repair, or upgrade an underground sprinkler system without first having received a Permit issued pursuant to Village of Montrose Underground Sprinkler System Regulation Bylaw(s).
- (2) Automatic sprinkling systems installed after the adoption of this Bylaw shall be fitted with a rain sensing device, and equipped with a backflow preventing device.
  - (3) All underground sprinkling systems shall be connected to the water system at a point inside a principal residence or accessory building of the property.
  - (4) All underground sprinkling system components shall be situated entirely within the property boundaries of an Owner and/or User.

### **EXEMPTIONS**

6. (1) If an Owner and/or User requires an exemption from either water conservation or staging restrictions regulation established in this Bylaw, such owner shall submit a written request directly to Administration. That written request must state the time, duration and reason for the exemption.
- (2) Administration, at its sole discretion, may grant an exemption from either the water conservation or staging restrictions regulation established in this Bylaw. Any notice that Administration grants in respect to approving a requested exemption shall state the time, duration and purpose of the exemption.
- (3) Until such a time that Administration has granted an exemption from the written request, an Owner and/or User must not operate as to their requested exemption.
- (4) No exemptions to be granted during periods of Stage II restrictions.
7. (1) Village properties, including parks may be exempt from this bylaw for emergency and operational purposes at the discretion of the administrator and/or Public Works Foreman.

### **ENFORCEMENT – GENERAL**

8. (1) When an Officer becomes aware that water is being used on a property in contravention of the water regulations of this Bylaw, the Officer shall issue a Warning to the Owner and/or User on, or similar to, the form prescribed in Schedule 'A' attached to and forming part of this Bylaw.
- (2) When an Officer becomes aware that water is being used on a property in contravention of the water regulations of this Bylaw, and a Warning pursuant to this section has been issued to the Owner and/or User within the preceeding year (12 months), the Officer shall issue a Notice of Fine to the Owner and/or User on, or similar to, the form prescribed in Schedule 'B' and Schedule 'C' attached to and forming part of this Bylaw.
- (3) An Owner and/or User may dispute any Warning or Notice of Fine issued to them by written submission directed to the Administration within one (1) week of the date listed on the warning or fine. Upon receiving the dispute, Administration may, at it's sole discretion, either confirm or revoke that Warning or Notice of Fine.
- (4) When an Officer becomes aware that water is being used on a property in contravention of the water regulations of this Bylaw, and a Notice of Fine pursuant to this section has been issued to the Owner and/or User within the preceeding year (12 months), an Owner and/or User shall be deemed guilty of an infraction and therefore be liable to the penalties hereinafter provided.
- (5) When an Officer becomes aware that water is being used on a property in contravention of the water regulations of this Bylaw, and the Owner and/or User has been convicted of an infraction within the preceeding year (12 months), an Owner and/or User shall be deemed guilty of an additional infraction and therefore be liable to the penalties hereinafter provided.
- (6) When an Owner and/or User has been deemed guilty of an infraction, the Village shall send a Notice of Fine to the Owner and/or User, which outlines the infraction(s), the imposed penalty and the appeal process. A Notice of Fine that is delivered by mail is deemed to have been delivered on the date that it was mailed.
- (7) Owner(s) and/or User(s) that has previously been issued either a warning, or a Notice of Fine, and have not contravened this Bylaw within a period of one year (12 months) from the date of the most recent warning or Notice of Fine, will be issued a Warning upon the Owner(s) and/or User(s) next offence.

- (8) Owner(s) and/or User(s) that has previously been issued either a warning, or a Notice of Fine, and contravene this Bylaw within a period of one year (12 months) from the date of a previous warning or Notice of Fine, will be issued a Warning or Notice of Fine whereas the penalty will be dependent upon the period of time between all previous Warnings or Notices of Fine.

**PENALTY**

- 9. (1) An Owner and/or User found guilty of an infraction set out in the regulation, section, or subsection established in this Bylaw shall be liable upon summary conviction to a fine of up to FIVE HUNDRED dollars (\$500) and may be subjected to such bylaw enforcement measures as authorized in Part 8 of the *Community Charter*.
- (2) Any additional costs incurred by the Village in carrying out the actions set forth above may be recoverable by the Village.

**ENACTMENT and REPEAL**

- 10. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.
- (3) Bylaw #679 is hereby repealed.

READ A FIRST TIME  
 READ A SECOND TIME  
 READ A THIRD TIME  
 RECONSIDERED AND FINALLY ADOPTED

this 4<sup>th</sup> day of February, 2013  
 this 4<sup>th</sup> day of February, 2013  
 this 4<sup>th</sup> day of February, 2013  
 this 18<sup>th</sup> day of February, 2013

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Corporate Officer

Certified a true copy of Bylaw #702, as adopted

\_\_\_\_\_  
 Corporate Officer

**THE CORPORATION OF THE VILLAGE OF MONTROSE**

**BYLAW #702**

**SCHEDULE 'A'**

**COMMUNITY WATER CONSERVATION**

**WATER SERVICE BYLAW INFRACTION**

**WARNING**

PROPERTY ADDRESS: (address of the property)

OWNER: (name of registered owner)

INFRACTION: (description of the water regulation infraction)

TIME OF INFRACTION: (date and time of the infraction)

**Water conservation is a community priority. Please take notice of the water conservation regulations printed on the reverse side of this notice.**

**A SECOND infraction will result in a Level 1 Notice of Fine which will result in a fine of FIFTY dollars (\$50.00).**

**Further water regulation infractions will result in the following penalties:**

<b>Level 1 Notice of Fine</b>	<b>\$ 50.00</b>
<b>Level 2 Notice of Fine</b>	<b>\$100.00</b>
<b>Level 3 Notice of Fine</b>	<b>\$250.00</b>
<b>Level 4 Notice of Fine</b>	<b>\$500.00</b>

**Each subsequent Notice of Fine after the Level 5 Notice of Fine will result in a fine of FIVE HUNDRED dollars (500.00)**

**Thank you for your understanding and cooperation.**

\_\_\_\_\_  
Date of Issue

\_\_\_\_\_  
Notice delivered / Posted on location

\_\_\_\_\_  
Bylaw Enforcement Officer/Public Works Foreman

**THE CORPORATION OF THE VILLAGE OF MONTROSE**

**BYLAW #702**

**SCHEDULE 'B'**

**COMMUNITY WATER CONSERVATION**

**WATER SERVICE BYLAW INFRACTION**

**NOTICE OF FINE**

PROPERTY ADDRESS: (address of the property)

OWNER: (name of registered owner)

INFRACTION: (description of the water regulation infraction)

TIME OF INFRACTION: (date and time of the infraction)

**Water conservation is a community priority. Please take notice of the water conservation regulations printed on the reverse side of this notice.**

**This is the \_\_\_\_\_ water regulation infraction issued to your residence and is subject to the Notice of Fine penalty indicated below:**

- Level 1 Notice of Fine**                      **\$50.00**
- Level 2 Notice of Fine**                      **\$100.00**
- Level 3 Notice of Fine**                      **\$250.00**
- Level 4 Notice of Fine**                      **\$500.00**

**Each subsequent infraction notice after the Level 4 Notice of Fine will result in a fine of FIVE HUNDRED dollars (500.00)**

**Thank you for your understanding and cooperation.**

\_\_\_\_\_  
Date of Issue

\_\_\_\_\_  
Notice delivered / Posted on location

\_\_\_\_\_  
Bylaw Enforcement Officer/Public Works Foreman

**THE CORPORATION OF THE VILLAGE OF MONTROSE**

**BYLAW #702**

**SCHEDULE 'C'**

**COMMUNITY WATER CONSERVATION**

**STAGING RESTRICTION INFRACTION**

**NOTICE OF FINE**

PROPERTY ADDRESS: (address of the property)

OWNER: (name of registered owner)

INFRACTION: (description of the water regulation infraction)

TIME OF INFRACTION: (date and time of the infraction)

**Water conservation is a community priority. Please take notice of the water conservation regulations printed on the reverse side of this notice.**

**This is the \_\_\_\_\_ water regulation infraction issued to your residence and is subject to the Notice of Fine penalty indicated below:**

- Level 1 Notice of Fine                      \$100.00**
- Level 2 Notice of Fine                      \$250.00**
- Level 3 Notice of Fine                      \$500.00**

**Each subsequent infraction notice after the Level 3 Notice of Fine will result in a fine of FIVE HUNDRED dollars (500.00)**

**Thank you for your understanding and cooperation.**

\_\_\_\_\_  
Date of Issue

\_\_\_\_\_  
Notice delivered / Posted on location

\_\_\_\_\_  
Bylaw Enforcement Officer/Public Works Foreman